THE HONOURABLE SRI JUSTICE V. ESWARAIAH

WRIT PETITION No.8840 OF 2006

DATED: 26-04-2006

M.A.Lateef Khan & 4 others.

...PETITIONERS

AND

The Assistant City Planner,

Circle No.11,

Municipal Corporation of Hyderabad,

Sardar Mahal,

Hyderabad & another.

...RESPONDENTS

ORDER:

This Writ Petition is filed seeking a writ of Mandamus declaring the action of the 1st respondent on 23-04-2006 orally threatening to demolish the premises of the petitioners bearing premises No.15-8-560/2, 15-8-560/H, 15-8-560/N, 15-8-560/1, 15-8-560/K, 15-8-560/J and 15-8-560/1, situated at Royal Estate, Feel Khana, Hyderabad, as illegal, void and in contravention of Section 636 of the Hyderabad Municipal Corporation Act, 1955 (for brevity 'the Act').

2. Heard the learned counsel for the petitioners as well as the standing counsel appearing for the respondents.

3. It is the case of the petitioners that they are the owners of above mentioned premises having purchased the same in the year, 1997 under registered sale deeds.

After purchase they constructed mulgies in the cellar portion. While so the 1st respondent visited the said premises on 23-04-2006 and threatened the petitioners that the said mulgies are causing inconvenience to the flow of traffic and that the demolition of the mulgies had become necessary.

4. It is stated that if the construction of the mulgies is made in the cellar portion, which is earmarked for the parking place, the said construction is liable to be removed after giving requisite notice under Section 452 of the Act muchless under Section 636 of the Act. But without issuing any notice the respondents are threatening to demolish and remove the said unauthorized structures. It is further stated that the unauthorized constructions have been regularized.

5. I have perused the entire material on record. But, I could not find any proceedings, regularizing the said unauthorized construction of the mulgies, in the record.

6. Having regard to the facts and circumstances of the case, the 1st respondent is directed to inspect the said premises and issue a notice specifying the unauthorized structures/ deviations/conversion of the parking area cellar into mulgies etc., calling upon the petitioners to submit explanation within seven days from the date of receipt of the said notice and thereafter issue final notice under Section 636 of the Act and if the petitioners fail to remove the unauthorized structures it is open for the respondents to remove/pull down the same.

7. Accordingly, the Writ Petition is disposed of at the stage of admission.

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V. ESWARAIAH, J

26th April, 2006

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